

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CARLOS WILLIAMS,

Plaintiff,

v.

LORI LAWSON, et al.,

Defendants.

CASE NO. C21-5536 MJP

ORDER ON MOTION TO  
SUBPOENA

This matter comes before the Court on Plaintiff Carlos Williams' Motion on the Court to Subpoena to Appear and Testify at Hearing or Trial. (Dkt. No. 203.) Having reviewed the Motion and all supporting materials, and noting the absence of any response from Defendants, the Court DENIES the Motion without prejudice as premature.

Trial has not yet been set in this matter, which makes it improper to issue trial subpoenas for an un-scheduled trial. See Fed. R. Civ. P. 45. When the Court sets a new trial date, the Court will also set a deadline for the filing of a joint pretrial order. In preparing this document, the Parties will identify the individuals they wish to have appear at trial. The Parties are encouraged

1 to work together to agree on a reasonable list of witnesses and to work on securing their  
2 attendance. For all witnesses who are to be subpoenaed to testify at trial, both Williams and  
3 Defendants must comply with Federal Rule of Civil Procedure 45 and apply to the Court for each  
4 subpoena. See Fed. R. Civ. P. 45. The party seeking an testimony from an individual at trial will  
5 also have to serve a subpoena on that individual. See Fed. R. Civ. P. 45(b). The Court notes that  
6 defense counsel should accept service of all subpoenas to the named defendants and any witness  
7 whose contact information is identified in the initial disclosures as defense counsel's. Given that  
8 many of the witnesses Williams identifies are named parties or appear to be represented by  
9 defense counsel, this should greatly limit the number of subpoenas that need to be served. For  
10 those witnesses on whose behalf defense counsel will not accept service, Williams will have to  
11 effectuate service and, if applicable, tender fees for attendance and mileage. See Fed. R. Civ. P.  
12 45(b)(1). The same rules apply to Defendants. Williams may ask the Court for assistance, but he  
13 must identify a legal basis for the Court to provide any such assistance. The Court notes that the  
14 present motion lacks any such basis, and the Court is not presently aware of any basis on which  
15 it could assist with service or payment of witness fees.

16 The clerk is ordered to provide copies of this order to Plaintiff and all counsel.

17 Dated December 11, 2023.

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19 Marsha J. Pechman  
20 United States Senior District Judge  
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